REMARKS

With the above amendments, claims 1-9 remain in the application. Claim 10 has been canceled to streamline prosecution.

Drawing Objections

The drawings are objected to under 37 CFR 1.83(a) as not showing the feature "demonstrating the efficacy of the computer program to a user" in claim 7. The rejection is respectfully traversed.

37 C.F.R. 1.83(a), titled "Content of Drawing," governs the contents of drawings. 37 C.F.R. 1.81, titled "Drawings required in patent application," governs whether a drawing is required in the first place. 37 C.F.R. § 1.81 requires a drawing in cases where necessary for the understanding of the invention. In this case, claim 7 is a method claim reciting straightforward steps that do not require a drawing to be understood. Furthermore, MPEP 601.01(f) is explicit that "It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention." Applicants propose submitting a drawing for method claim 7 when a claim is deemed allowable.

Withdrawal of the drawing objection is therefore respectfully requested.

Claim Rejections -- 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the last office action, referring to claim 1, "the disclosure fails to teach how the step of detecting a need for the computer program would be performed, how a user would be informed of usefulness of the computer program and how the computer program would be offered to the user." The rejection is respectfully traversed.

FIG. 10 and accompanying text on pages 29 to 31 of the Specification provide support to claims 1-10. The step of detecting a need for the computer program may be performed by employing scorekeeper 318 to keep track of the number of bad windows detected by window analyzer 308 (Specification, page 30, lines 5-7). If the number of bad windows detected by the window analyzer 308 and tracked by the scorekeeper 318 reaches a certain threshold (i.e. too many bad windows being received in the computer), then the user must need a way to get rid of bad windows (Specification, page 30, lines 8-14). The user may be informed of the usefulness of the computer program (e.g. how many bad windows were detected by the computer program, that the computer program can prevent bad windows) using a message box, for example. The same message box may be used to offer the program to the user (e.g. asking the user to fully activate the computer program by pressing a button) (Specification, page 30, lines 8-23; FIG. 10, step 1010). Note that other ways of displaying information to users or offering computer programs to users online may also be employed without detracting from the merits of the present invention. It is respectfully submitted that FIG. 10 alone or in conjunction with the accompanying text provide more than enough guidance to those of ordinary skill in the art.

Withdrawal of the rejection of claims 1- 10 under 35 U.S.C. § 112, first paragraph is thus respectfully requested.

Claim Rejection -- 35 U.S.C. § 103 (Nakagawa and Jiang)

Claims 1, 4, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,835,911 to Nakagawa et al. ("Nakagawa") in view of U.S. Patent No. 6,564,375 to Jiang ("Jiang"). The rejection is respectfully traversed.

As noted in the last office action, Nakagawa does not disclose the step of offering a computer program to the user. This is not surprising given that Nakagawa pertains to automatic distribution of updates to computer programs already purchased (i.e. accepted by users) and installed in a computer (Nakagawa, Abstract, col. 9, lines 47-63). The last office action then suggests that this deficiency of Nakagawa is fixed by Jiang, since Jiang

discloses offering a computer program to users who sign up for an account. It is respectfully submitted that this combination is suspect and hints of hindsight reconstruction because the client program in Nakagawa automatically performs its update according to update instruction information (Nakagawa, Abstract, col. 8, lines 31-47). That is, the gist of Nakagawa is to simplify the update process by automating it (Nakagawa, col. 95, lines 7-24). Nakagawa is explicit that "**the users may not notice the users' software systems are corrected automatically in this manner of network service**" (Nakagawa, col. 95, lines 19-21, emphasis added). The proposed combination now puts the user in the middle of this automatic update, contrary to the principle of operation of Nakagawa.

Furthermore, offers are usually made for acquisition of **new** computer programs, not updates as in Nakagawa.

Nevertheless, to expedite prosecution, claim 1 has been amended to explicitly recite that the computer program to be offered to the user is installed but partially disabled in the user's computer and that the computer program itself, which is not provided to the user until the user accepts it, is used to detect the need for the computer program (Specification, FIG. 10, page 29, line 20 to page 30, line 7). Nakagawa's updates cannot be the recited computer program as the updates are not available, and hence cannot be used to detect "the need for the updates," until they are already installed.

Therefore, claim 1 is patentable over Nakagawa and Jiang.

Claim 4 depends on claim 1, and is thus patentable over Nakagawa and Jiang at least for the same reasons that claim 1 is patentable.

As discussed above with regards to claim 1, claim 7 is patentable over Nakagawa and Jiang at least for reciting: "installing a partially disabled computer program in the computer" and "using the computer program to detect a need for the computer program."

Furthermore, claim 7 is patentable over Nakagawa and Jiang at least for reciting: "demonstrating the efficacy of the computer program to a user." The last office action suggests that this step is obvious because providing demo versions of software is known. Applicants respectfully disagree with this conclusion. Firstly, the last office action does

not cite to any reference or evidence to support this contention. Secondly, Nakagawa provides automatic updates to already installed software. The proposed modification would result in Nakagawa automatically providing demo software as opposed to updates, a contention not supported by any of the references of record.

Claim Rejection -- 35 U.S.C. § 103 (Nakagawa, Jiang, and Shiratori)

Claims 2, 3, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of Jiang and further in view of U.S. Patent No. 5,758,111 to Shiratori et al. ("Shiratori").

As noted in the last office action, Nakagawa and Jiang do not disclose the act of detecting the occurrence of a type of a window. The last office action notes, however, that it would have been obvious to incorporate the window-detecting unit of Shiratori to fix this deficiency of Nakagawa and Jiang. Applicants respectfully disagree with this conclusion.

Claim 2 depends on claim 1 and recites "wherein the act of using the computer program to detect a need for the computer program includes detecting the occurrence of a type of a window." From claim 1, what is detected is **a need for the computer program**. Shiratori merely discloses a window-detecting unit. Shiratori cannot detect for a need for a computer program by detecting the occurrence of a type of window. Nakagawa can't either. Nakagawa merely discloses detecting need for updates by using a client computer to send update instructions to a server. Even if Nakagawa is modified to detect the occurrence of windows, the proposed modification would still not be able to determine if the computer program (which is offered to the user) is needed in the computer. Therefore, Nakagawa, Shiratori, and Jiang cannot meet all the limitations of claim 2.

Claim 3 depends on claim 1 and recites "wherein the act of informing the user of usefulness of the computer program includes informing the user a number of a type of window detected by the computer program." Again, Shiratori merely discloses a window-detecting unit. Shiratori does not keep track of the number of a certain type of window so that a user may be informed of a usefulness of a computer program. Even if

Nakagawa is modified to include the window-detecting unit of Shiratori, the proposed modification still will not be able to inform the user of a usefulness of a computer program (updates in Nakagawa's case) by informing the user of a number of a type of windows detected by the computer program.

Claim 9 is rejected in a manner similar to claims 2 and 3. The patentability of claims 2 and 3 over Nakagawa, Jiang, and Shiratori has already been discussed above.

Claim Rejection -- 35 U.S.C. § 103 (Nakagawa, Jiang, and Teng)

Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Nakagawa in view of Jiang and further in view of U.S. Patent No. 6,094,679 to Teng et al.

Claim 5 depends on claim 1. The patentability of claim 1 over Nakagawa and Jiang has already been discussed above. Teng does not add anything to Nakagawa and Jiang with regard to claim 1. Therefore, claim 5 is patentable over Nakagawa, Jiang, and Teng at least for the same reasons that claim 1 is patentable.

Claim Rejection -- 35 U.S.C. § 103 (Nakagawa, Jiang, and Meyers)

Claims 6 and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nakagawa in view of Jiang and further in view of U.S. Publication No. 2002/0087403 by Meyers et al. ("Meyers").

As noted in the last office action, Nakagawa and Jiang do not disclose that the computer program is a window-blocking computer program. However, the last office action suggests that Meyers fixes the deficiencies of Nakagawa and Jiang by disclosing filtering software that blocks objects containing certain metadata. Applicants respectfully disagree with this conclusion. Meyer merely blocks **contents** of windows, **not the windows themselves** (Meyers, paragraphs [0010]-[0012]). That is, Meyer can filter the contents of a window but cannot block the window itself. This is understandable because the window containing the content to be filtered is typically the window employed by the user for navigation to websites that may have undesirable content. While it may be

advantageous to filter and block certain contents on the window, it is does not make sense to block the window itself in that case.

Therefore, claims 6 and 8 are patentable over Nakagawa, Jiang, and Meyers.

Conclusion

For at least the above reasons, it is believed that claims 1-9 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
Jax B. Cowden et al.

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